

## Unlicensed Structural Pest Control Activity

### Looking For The Bad Guys

## How Unlicensed Activity Is Viewed

### Consumers

- Don't normally concern themselves with whether a company is unlicensed until unprofessional conduct arises
- Don't normally checkout companies prior to contracting for services
- Assume all companies are licensed



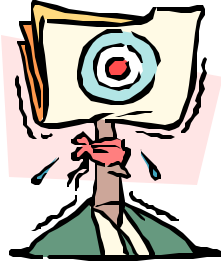
### CAC's and the SPCB

- Individual is unqualified
- Has not met minimum standards
- A threat to health and safety
- Has broken the law



## Structural Pest Control Industry

- Unqualified Persons
- Unfair Competition



## Unlicensed Activity

Due to realigning of the Division of Investigation's investigative priorities structural pest control unlicensed activity cases are now being pursued at the board level (non-pesticide related activities) and the county agricultural commissioner level (pesticide use situations).

## CAC Enforcement Authority

- Business and Professions Code section 8616.5(a) - The county agricultural commissioner shall be the lead agency for inspections and routine investigations of pesticide use by the board licensees and registered companies, and of persons engaged in unlicensed structural pest control...

## CAC Enforcement Authority

- Business and Professions Code section 8617 - The board or county agricultural commissioners, when acting pursuant to Section 8616.4, may suspend the right of a structural pest control licensee or registered company to work in a county for up to three working days or, for a licensee, registered company, or an unlicensed individual acting as a licensee, may levy and administrative fine up to one thousand dollars (\$1000) for each violation...



## Exemptions to SPCB Licensure

Business and Professions Code § 8555

- Public Utilities
- Agricultural Pest Control Work
- Pesticide Applications By Homeowners
- Government Agencies
- Research; education, state, or federal
- Certified Architects and Registered Civil Engineers (Branch 3)
- Persons engaged in live capture or removal\*



## Exemption to the Exemptions

**8555(g)**

- Mice
- Rats
- Pigeons



## Unlicensed Activity Starting Points

- actual observation of unlicensed activity
- advertisement in the field; flyers, business cards and service invoices
- public complaints regarding pesticide application
- pesticide Use Reports by non-structural licensees indicating structural pesticide use



## Gathering Information

- Pictures of trucks and equipment
- Pictures of actual application if possible
- Pictures of pesticides and containers
- Declarations of property owners
- Declarations of unlicensed person
- Invoices or service slips
- Flyers or business cards



## CAC Options

- Issue a Notice of Violation and assess a Structural Civil Penalty
- Take case to the local jurisdiction
- Refer the case to the SPCB for action



## SPCB Assistance

- Certified license histories
- Specialist assistance
- Interagency cooperation with District Attorney offices
- Interim Suspension Order assistance by the Attorney General in cases of health and safety concerns



## District Attorney Referrals

Not all district attorneys take unlicensed activity referrals do to enforcement priorities. Some counties that do are:

- |               |                 |
|---------------|-----------------|
| • Los Angeles | • San Mateo     |
| • San Diego   | • San Francisco |
| • Marin       | • San Joaquin   |



## CSLB C-61 (D-64) Limited Specialty License

Mice, Rats, and Pigeon work are not included in this license